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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/801,847	03/17/2004	Thomas Hermann	250350US OX DW

CONFIRMATION NO. 3961

22850

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

FORMALITIES LETTER



\*OC000000012687041\*

Date Mailed: 05/17/2004

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents

RECEIVED: 5-18-04  
OBLON, SPIVAK, MCCLELLAND  
MAIER & NEUSTADT, P.C.  
DOCKETING DEPT.  
Initials/Date Docketed: cx/5-18-04  
Type of Resp(s): Reg Seq List  
Due Date(s): 7-17-04

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

DOCKET NO: 250350US0X DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
THOMAS HERMANN, ET AL. : ATTN: APPLICATION DIVISION  
SERIAL NO: 10/801,847 :  
FILED: MARCH 17, 2004 :  
FOR: NUCLEOTIDE SEQUENCE :  
CODING FOR THE OTSA PROTEIN :

LETTER TO PTO IN RESPONSE TO THE OFFICE COMMUNICATION  
MAILED MAY 17, 2004

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313


SIR:

Applicants note the following. A statement that the Sequence Listing filed in the present application is identical to the computer-readable Sequence Listing filed in Parent Application U.S. Serial No. 10/058,945 has already been made of record via the Preliminary Amendment filed with this application on March 17, 2004. In particular, Applicants direct the Office's attention to page 6 of that Preliminary Amendment (for reference a copy of the Preliminary Amendment is attached). Furthermore, a computer-readable Sequence Listing is not deemed to be necessary in the application as the Applicants have already requested in accordance with 37 C.F.R. §1.821(e) to use the last-filed computer-readable Sequence Listing filed in the parent application as a computer-readable Sequence

Listing for the present application. No further action is deemed necessary. Further examination on the merits is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

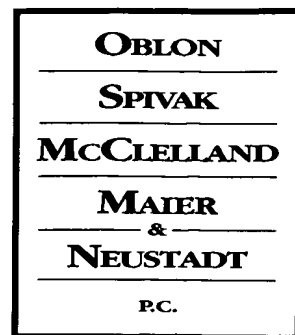


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ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A  
NOTICE TO COMPLY**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Re: Inventor: Thomas HERMANN, et al.  
Serial No: 10/801,847  
Filed: March 17, 2004  
For: NUCLEOTIDE SEQUENCE CODING FOR THE OTSA PROTEIN

SIR:

Attached hereto for filing are the following papers:

Notice to Comply – Return Copy  
Letter to PTO in Response to the Office Communication mailed May 17, 2004  
Copy of Preliminary Amendment w/Sequence Listing (Paper) filed March 17, 2004

Our check in the amount of \$0.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Docket No. 250350US0X DIV

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

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